UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CRIMINAL NO. A-10-CR-695 LY
	§	
RAY JOHN ZAPATA,	§	
	§	
Defendant.	§	

FACTUAL BASIS

Had this matter proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt:

1. On August 30, 2010, at approximately 3:57 p.m., the Defendant, RAY JOHN ZAPATA, committed a robbery of the Wells Fargo Bank, 3949 South Lamar Boulevard, Austin, Texas, in the Western District of Texas. The Defendant went into the bank and approached a teller. The teller looked up and saw the Defendant walking to his station. The Defendant placed a note on the station counter which stated something to the effect of "Don't yell, just want cash, no trouble." The teller got nervous and did not comply immediately, causing the Defendant to reach inside his bag. Fearing the Defendant was reaching for a weapon, the teller opened his drawer and handed to the Defendant money belonging to and in the care, custody, control, management, and possession of the bank. The Defendant fled the bank with approximately $1383. Police obtained a physical description of the Defendant. The Defendant's actions during the robbery were recorded by video surveillance.

2. On September 8, 2010, at approximately 10:38 a.m., the Defendant, RAY JOHN ZAPATA, committed a robbery of the American Bank of Commerce, also known as ABC Bank, 8668 Spicewood Springs Road, Austin, Texas, in the Western District of Texas. The Defendant entered the bank and walked towards the central teller station. The Defendant handed a note to the victim teller which stated something to the effect of "Give me all the money, no (something), no trouble." It also had the denominations written on the note. The teller described the Defendant as both nervous and mad at the same time. Fearing for her safety, the teller handed the Defendant the money belonging to and in the care, custody, control, management, and possession of the bank. The Defendant put the money in a red child's bag he was holding. Police obtained a physical description of the Defendant and the child's bag he was carrying. The Defendant fled the bank with approximately $4180. The Defendant's actions during the robbery were recorded by video surveillance.

3. On September 20, 2010, at approximately 11:35 a.m., the Defendant, RAY JOHN ZAPATA, committed a robbery of Compass Bank, 6910 Manchaca Road, Austin, Texas, in the Western District of Texas. The Defendant walked in the front door and proceeded to a teller station. The Defendant had a backpack and swung it up on the counter. The Defendant reached into his backpack and handed the teller a note on yellow paper which stated something to the effect of "don't panic, give me all the 100's, 50's, 20's." Fearing the Defendant may have a weapon, the victim teller handed the Defendant money belonging to and in the care, custody, control, management, and possession of the bank. Noticing that the teller did not give him any $100 bills, the Defendant then mouthed the words "all of it," and he held his backpack open. Defendant fled the bank with approximately $1626. Police obtained a physical description of the Defendant. The Defendant's

actions during the robbery were recorded by video surveillance.

4. Shortly after the Compass Bank robbery, and near the bank, Austin police identified and pulled over a vehicle believed to be connected with the bank robbery. When the vehicle stopped, the passenger fled from the vehicle on foot carrying a black backpack. The passenger lost his hat while jumping off a bridge in the course of fleeing. The hat – a distinctive San Antonio Spurs hat with a large number 21 on the front – was later recognized to be the same hat that the bank robber wore. The driver of the vehicle told police that the passenger who fled was named "Ray," subsequently identified as the Defendant, RAY JOHN ZAPATA. Later that day, investigators located and arrested the Defendant at a hotel in Austin.

5. After being arrested on September 20, 2010, the Defendant was transported to Austin Police Department headquarters. After being advised of, and voluntarily waiving, his constitutional rights, the Defendant voluntarily admitted to committing the above-described robberies of the Wells Fargo Bank at 3949 South Lamar Blvd.; the American Bank of Commerce at 8668 Spicewood Springs Road; and the Compass Bank at 6910 Manchaca Road. The Defendant made numerous other statements and admissions that were corroborated by evidence and witness statements obtained during the investigation.

6. At the time of each robbery, each bank robbed by the Defendant was then insured by the Federal Deposit Insurance Corporation (FDIC).

That, in summary, would be the evidence presented by the United States.

Respectfully submitted,

JOHN E. MURPHY
United States Attorney

By: **/s/ Matthew Devlin**

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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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